

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 10883-AG12-0118-009

IN THE MATTER OF:

Melissa Horner

4672 Smoker Road
Centerville, IN 47330

Producer License No. 436853

Empire Title Services Inc.

4732 Smoker Road
Centerville, Indiana 47330

Producer License No. 33934

Respondents

Type of Agency Action: Enforcement

FILED

MAR 14 2012

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance ("Department") and Melissa Horner, individually and as authorized representative of Empire Title Services ("Respondents"), licensed non-resident Indiana insurance producers, signed an Agreed Entry which purports to resolve all issues involved in the action by the Department regarding Respondent's license, and which has been submitted to the Commissioner of Insurance ("Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the

parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent will pay a fine to the home owner education account in the amount of \$1000.00.
2. Respondents' license numbers 436853 and 33934 shall be placed on probation for a period of 6 months.
3. Respondent will fully comply with all other terms set forth in the Agreed Entry in this matter.

ALL OF WHICH IS ORDERED this 14th day of March,
20 12.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Nikolas P. Mann
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street
Suite 103
Indianapolis, Indiana 46204-2787

Melissa Horner
Empire Title Services Inc.
4672 Smoker Road
Centerville, IN 47330

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10883-AG12-0118-009

IN THE MATTER OF:

Melissa Horner

4672 Smoker Road
Centerville, Indiana 47330

Producer License No. 436853

Empire Title Services Inc.

4672 Smoker Road
Centerville, Indiana 47330

Producer License No. 33934

Respondents

Type of Agency Action: Enforcement

FILED

MAR 14 2012

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is entered into by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Melissa Horner ("Horner"), a licensed insurance producer, individually and as authorized representative of Empire Title Services (ETS) (collectively, "Respondents"), a licensed title insurance agency. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance.

WHEREAS, representatives from the Department conducted a compliance review and discovered Respondents failed to make required entries to the Residential Real Estate Acquisition of License Information and Numbers ("RREAL IN") database; and

WHEREAS, Horner acknowledges the failure to enter one hundred and twenty six (126) required entries to the Rreal IN database; and

WHEREAS, Horner immediately entered all outstanding transactions upon being notified of the deficiency; and

WHEREAS, the Department alleges that Horner's failure to enter the transactions is a violation of Indiana Code 27-1-15.6-12; and

WHEREAS, the Department alleges that Horner's failure to enter the transactions is a violation of Indiana Code 6-1.1-12-43, which requires closing agents to enter the information; and

WHEREAS, the Department and Respondents desire to resolve their differences and settle the issues without a hearing.

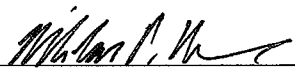
IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and Respondents in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondents knowingly, voluntarily and freely waive their right to a public hearing on the issues in this action.
4. Respondents waive their right to judicial review of this matter.
5. Respondents do not admit or deny the allegations made by the Department.
6. Respondents agree to the following terms:
 - a) Respondent will pay a fine to the Homeowner Education Fund account in the amount of \$1000.00. The fine will be payable thirty (30) days after the date of the Commissioner's Final Order.

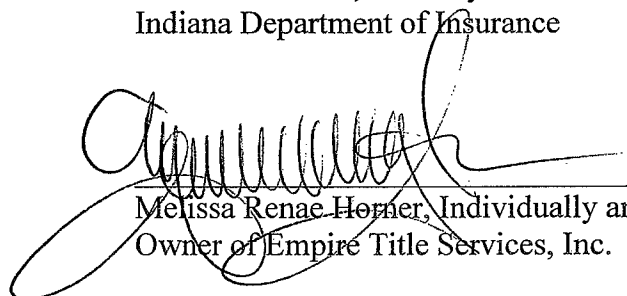
- b) Respondents' license numbers 436853 and 33934 shall be on probation for a period of 6 months, beginning on the date of the Commissioner's Final Order.
- c) During the probationary period, Respondents will submit to the Department copies of the confirmations generated by the database that transactions have been entered. These submissions must be made by the 10th of each month.
7. Failure on the part of Respondents to complete any term of this Agreed Entry will result in the filing of a Statement of Charges that seeks additional fines and permanent revocation of Respondents' licenses and the matter being set for a hearing.
8. The Department agrees to accept Respondents' compliance with the terms of this Agreed Entry as full resolution of this matter.
9. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.

3/2/12
Date Signed

2-16-12
Date Signed



Nikolas P. Mann, Attorney
Indiana Department of Insurance



Melissa Renae Horner, Individually and as
Owner of Empire Title Services, Inc.

STATE OF Indiana)
) SS:
COUNTY OF Wayne)

Before me a Notary Public for Wayne County, State of Indiana, personally appeared Melissa Renae Horner, individually and on behalf of Empire Title Services, Inc., and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 16th day of February, 2012



Jacalyn N. Taylor
Notary Public
Residing in Wayne Co., IN
My Comm. Exp. 7-25-2012

Signature

Printed

My Commission expires: _____

County of Residence: _____